

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

JARQUEZ DUREN

PLAINTIFF

V.

NO. 4:17-CV-154-DMB-JMV

**CARROLL-MONTGOMERY
REGIONAL CORRECTIONAL
FACILITY; CARROLL COUNTY,
MISSISSIPPI; and JOHN DOES 1-10**

DEFENDANTS

ORDER

On December 15, 2017, Carroll-Montgomery Regional Correctional Facility and Carroll County (“moving defendants”) filed a “Motion for Judgment on the Pleadings as to State Law Claims and Duplicate Official Federal Claims.” Doc. #8. Jarquez Duren did not respond to the motion; however, on February 21, 2018, he joined the moving defendants in the motion for judgment on the pleadings. Doc. #11.

On March 2, 2018, the moving defendants filed a “Motion to Dismiss Carroll-Montgomery Regional Correctional Facility and for Miscellaneous Relief,” which Duren joined on March 9, 2018. Doc. #12; Doc. #13. The motion to dismiss represents that the parties agree (1) to dismiss Carroll-Montgomery Regional Correctional Facility as an improper party, with Carroll County remaining as the official-capacity defendant with respect to Duren’s 42 U.S.C. § 1983 claims, (2) to dismiss with prejudice Duren’s state law claims as to Carroll County; and (3) that Duren’s “fictitious party claims are not altered or modified” Doc. #12 at 1. As Duren, by his joinder, has confirmed his agreement to the matters represented in the motion to dismiss, the moving defendants’ motion to dismiss will be granted as unopposed.

The motion for judgment on the pleadings requests largely the same relief sought in the motion to dismiss. However, in the motion for judgment on the pleadings, the moving defendants seek dismissal of Duren's official-capacity punitive damages claim, which is not mentioned in the motion to dismiss. *Compare* Doc. #9 at 4–5 *with* Doc. #12. As mentioned above, Duren also joined in the motion for judgment on the pleadings. To the extent the motion for judgment on the pleadings seeks to dismiss Duren's official-capacity punitive damages claim, it will be granted in part as unopposed and denied as moot in all other respects.

Therefore:

1. The motion to dismiss [12] is **GRANTED**. Accordingly, Carroll-Montgomery Regional Correctional Facility is **DISMISSED** as an official-capacity defendant, with Carroll County remaining as the official-capacity defendant as to Duren's federal claims; Duren's state law claims against Carroll County are **DISMISSED with prejudice**; and Duren may still bring claims against fictitious parties.

2. The motion for judgment on the pleadings [8] is **GRANTED in Part and DENIED in Part as moot**. It is granted to the extent it seeks dismissal of Duren's official-capacity punitive damages claim and is denied as moot in all other respects.¹

SO ORDERED, this 23rd day of April, 2018.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE

¹ The parties shall notify the magistrate judge that the basis for the stay ordered December 19, 2017, has been rendered moot.